

# EXHIBIT A

## Re: Defendants' Motion to Stay Injunctive Relief

david@specialmaster.law

Tue 10/18/2022 6:07 PM

To: Kaspar Stoffelmayer <kaspar.stoffelmayer@bartlitbeck.com>; Peter H. Weinberger <PWeinberger@spanglaw.com>;

Cc: Majoras, John M. <jmmajoras@jonesday.com>; External User - Tina Tabacchi <tmtabacchi@jonesday.com>; External User - Tara Fumerton <tfumerton@JonesDay.com>; External User - Eric Delinsky <edelinsky@zuckerman.com>; Mark Lanier <Mark.Lanier@LanierLawFirm.com>; 'FGallucci@pglawyer.com' <FGallucci@pglawyer.com>; Hunter Shkolnik <hunter@napolilaw.com>; Salvatore C. Badala <SBadala@napolilaw.com>; Michelle M. Carreras <Michelle.Carreras@LanierLawFirm.com>; Joe Rice <jrice@motleyrice.com>; Jayne Conroy <jconroy@simmonsfirm.com>; Paul Farrell Jr. <paul@farrellfuller.com>;

Dear Counsel:

Thank you for your email submissions. I have conferred with the Court and respond as follows. First, Plaintiffs' request for extension of time is denied; Plaintiffs' response date of October 21 is unchanged. Second, the Court did order descriptions\* from Defendants that were more thorough and precise, addressing carefully each section and paragraph. Accordingly, the Court directs each Defendant to file a supplemental response, under seal if necessary, that: (a) more thoroughly and precisely complies with the Court's Order; and (b) appends appropriate corporate documents and/or sworn affidavits supporting their descriptions. These supplemental responses are due October 25. The Court does not need any further submissions (including a supplemental response from Plaintiffs or a reply from Defendants).

\* See Order at 1-2 (docket no. 4669) ("the Court orders each Defendant to submit a brief that carefully goes through each section and paragraph of the Injunctive Order that contains an affirmative requirement<sup>1</sup> and provide the Court with a **detailed description** of: (a) whether and to what extent the Defendant is already in full or substantial compliance with the requirements of that section and paragraph; and (b) if it is not already in full or substantial compliance, the changes it must make to its current policies, practices, systems, or structures in order to fully comply with each of the terms of the Injunction Order, and how long they expect it will take to do so.") (emphasis added).

-d

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This email sent from:  
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**From:** Kaspar Stoffelmayer <kaspar.stoffelmayer@bartlitbeck.com>

**Sent:** Tuesday, October 18, 2022 4:15 PM

**To:** Peter H. Weinberger <PWeinberger@spanglaw.com>; David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>

**Cc:** Majoras, John M. <jmmajoras@jonesday.com>; External User - Tina Tabacchi <tmtabacchi@jonesday.com>; External

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**Subject:** RE: Defendants' Motion to Stay Injunctive Relief

Dear Special Master Cohen,

Mr. Weinberger's email requests are not well taken.

First, as explained in our submission on Friday, the motion to stay is primarily focused on the Appointment Order and does not turn on whether measures to comply with the Injunction Order are already in place or will not be in place until November 15, 2022. The Court's October 7 order also did not suggest evidentiary submissions to "evaluate the veracity" of the information each Defendant supplied about whether its current policies and procedures place it in substantial compliance with obligations under the Injunction Order that have no application for another month. The Court asked a question about to what extent measures to comply with the Injunction Order are already in place, and each Defendant answered that question. Plaintiffs have all the information they need to respond to Defendants' motion to stay, and the Court has the information it requested.

Second, there is no reason Plaintiffs need additional time to respond to Defendants' motion to stay. The Court has already given Plaintiffs more than sufficient time to respond to our motion. The motion explains the irreparable harm that would be imposed on Defendants (and the public) by the substantive terms of the Appointment Order and the Injunction Order absent a stay before the orders become effective on November 15. The motion thus requires the Court's prompt resolution well in advance of that deadline.

Respectfully submitted,  
Kaspar

**BartlitBeck** LLP

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**From:** Peter H. Weinberger <PWeinberger@spanglaw.com>

**Sent:** Tuesday, October 18, 2022 8:56 AM

**To:** David R. Cohen <david@specialmaster.law>

**Cc:** Majoras, John M. <jmmajoras@jonesday.com>; External User - Tina Tabacchi <tmtabacchi@jonesday.com>; External User - Tara Fumerton <tfumerton@JonesDay.com>; External User - Eric Delinsky <edelinsky@zuckerman.com>; Kaspar Stoffelmayr <kaspar.stoffelmayr@bartlitbeck.com>; W. Mark Lanier (wml@lanierlawfirm.com) <WML@LanierLawFirm.com>; 'FGallucci@pglawyer.com' <FGallucci@pglawyer.com>; Hunter Shkolnik <hunter@napolilaw.com>; Salvatore C. Badala <SBadala@napolilaw.com>; Michelle M. Carreras <Michelle.Carreras@lanierlawfirm.com>; Joe Rice <jrice@motleyrice.com>; jconroy@simmonsfirm.com; Paul Farrell Jr. <paul@farrellfuller.com>

**Subject:** Defendants' Motion to Stay Injunctive Relief

**Caution: External Message**

Dear SM Cohen:

On October 7, 2022, at Doc #4669, Judge Polster ordered that the defendants submit a brief that “**carefully** goes through each section and paragraph of the Injunctive Order that contains an affirmative requirement and provide the Court with a **detailed** description” of the extent to which the defendant is in substantial compliance and if not, what changes it must make to comply and how long that will take. (emphasis added).

In their filing on October 14<sup>th</sup>, the defendants have not complied. They have not provided any detail in the form of the actual language from any corporate document or policy that is currently in effect that purports to comply with the Injunctive Order. There is no way for either the court, the administrator, or the plaintiffs to evaluate that veracity of the claims of compliance. Plaintiffs ask the court to require the defendants to provide this information immediately in further response to its October 7<sup>th</sup> order.

Plaintiffs therefore respectfully request an additional 10 days until October 31, 2022 within which to respond to the defendants’ motion to stay.

Pete

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